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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: ALEXANDER HAYDUK - 1

SERIAL NO.: 10/786,998 EXAMINER: J. BASTIANELLI

FILED: FEBRUARY 25, 2004 GROUP: 3754

TITLE: GASTIGHT DISC SLIDE

REPLY TO EXAMINER'S ANSWER ON APPEAL

MAIL STOP APPEAL BRIEF
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Dear Sir:

In response to the Examiner's Answer dated March 21, 2006,
Applicant replies as follows:

The Examiner states that a ball valve and a disc slide are equivalent structures because both can be used for the same purpose. However, they are not equivalent structures, because their structural characteristics are markedly different. Because of their differing structural properties, it would not be obvious to make a disc slide using the materials of claim 1. Materials that are useful for ball valves are not necessarily suited for disc slides and vice versa. There is no teaching or

suggestion in either reference that the materials used for a ball valve can be successfully imparted to a disc slide.

Berchem '427 relates a ball valve and a valve seat. This is not an equivalent to a slide plate with two sealing discs. These two structures have completely different mechanic and dynamic properties. While Berchem '427 may teach the use of quartz glass in a ball valve, there is no teaching or suggestion in either of the cited references that the claimed materials could be used for the valve seat and slide plate of the valve according to the invention. The Examiner has not indicated anywhere in either of the two cited references where it teaches that ball valves and disc slides are equivalent to each other, or that the materials of one valve can be successfully used for the other.

The valve of Berchem '004 specifically requires the use of two different materials for the valve seat and slide plate, to prevent adhesion between them. Thus, combining Berchem '004 with Berchem '427, which relates to a ball valve, would not lead to the present invention, because the valve seat and slide plate would necessarily have to be made of two different materials, which is not the case with the present invention.

Just because a ball valve and a disc slide are both used as valves, does not mean that all features of one can be obviously imparted to the other. The specific characteristics of each type of valve lead to different structural and dynamic properties. There is no disclosure in any of the references that a ball valve and a disc slide are equivalent in all ways. Because the Examiner has provided no evidence to show that one of skill in the art would know that quartz glass or silicon could be used to successfully make a disc slide, Applicant requests that the rejection of claims 1-3 be withdrawn.

Accordingly, applicant submits that claims 1-3 are patentable under 35 USC 103 over Berchem '427 in view of Berchem '004. Allowance of the claims is respectfully requested.

Respectfully submitted,

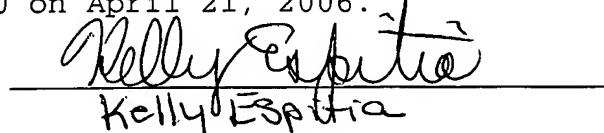
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 21, 2006.


Kelly Espitia